

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan
corporation,

Plaintiff,

Case No.: 1:04cv0026
Hon. Robert Holmes Bell
Chief, U. S. District Judge

v

HARBIN'S INC., an Alabama
corporation, MICHAEL G. HARBIN
and HOPE D. HARBIN PATTERSON (now
HOPE DUNCAN PATTERSON),

Defendants.

MILLER, JOHNSON, SNELL &
CUMMISKEY, P. L. C.
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HOPE D. PATTERSON
Defendant in Pro Se
5626 Mill Race Court
Atlanta, GA 30338

**DEFENDANT MICHAEL G. HARBIN'S
MOTION FOR CONTINUANCE OF TRIAL**

Defendant Michael G. Harbin ("Harbin"), by and through his attorneys SILVERMAN, SMITH & RICE, P.C., move this Court, pursuant to Local Civil Rule 40.2, for a continuance of the trial scheduled for September 26, 2005, and in support of his motion says as follows:

1. This matter was scheduled for trial to commence on August 22, 2005. It was adjourned *sua sponte* to September 26, 2005.
2. Harbin is a resident of Santa Rosa Beach, Florida.
3. Defense counsel will be out of town and unavailable from September 20 - 24, 2005, making it extremely difficult to meet with Harbin and other out of town witnesses prior to the trial scheduled for September 26, 2005.
4. In addition, defense counsel has another trial scheduled for September 27, 2005, in the Kalamazoo County 9th Circuit Court (Chicago Title Insurance Co. v Oakland Ridge Estates Partnership, File No.: C03-000195-CZ).
5. The complaint in the Chicago Title matter was filed on May 13, 2003 so it is considerably older than the case at bar which was filed on January 14, 2004 and did not implicate Harbin until October 20, 2004.
6. Harbin has a right to a jury trial. It cannot be tried in one day. Defense counsel will be unavailable the following day because of the prior commitment to the trial scheduled in Kalamazoo County. Moreover, the lack of time for defense counsel to prepare for both trials may not be in the best interest of either client.
7. Defense counsel has consulted with Plaintiff Steelcase, Inc.'s ("Steelcase") counsel with regard to the request for an adjournment. Steelcase's counsel has indicated that he has no objection so long as the trial date is rescheduled for after October 31, 2005.
8. In Pro Per Defendant Hope Patterson is no longer a party to this litigation.

Wherefore, Harbin requests this Court enter an order for continuance of trial in this matter from September 26, 2005, until after October 31, 2005.

Dated: August 12, 2005

SILVERMAN, SMITH & RICE, P.C.
Attorneys for Defendant Michael G. Harbin

/s/ Robert W. Smith
Robert W. Smith (P31192)